

1 The Board of Adjustment of the City of Seabrook met on Wednesday, April 10, 2013 at City Hall, 1700
2 First Street, Seabrook, Texas in regular session to consider the following agenda items.
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4 **THOSE PRESENT WERE:**

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6	SUE ELLEN LANGGARD	CHAIRMAN	
7	GAIL POSTON	VICE CHAIRMAN	
8	EDELMIRO MUNIZ	Excused Absence	MEMBER
9	JOSEPH FARELLA	Excused Absence	MEMBER
10	JOHN DOLAN		MEMBER
11	RICHARD NGUYEN		ALTERNATE MEMBER
12	ROBERT DUNCAN		ALTERNATE MEMBER
13	STEVE WEATHERED		CITY ATTORNEY
14	SEAN LANDIS		DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
15			SECRETARY
16	ALESIA HAMMOCK		

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18 Chairman Langgard called the meeting to order at 7:00 p.m. and stated there was a quorum present.
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21 **1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS - None**

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23 **2.0 SPECIFIC PUBLIC HEARINGS**

24
25 **2.1 Request for a variance of 15 feet to the 25 foot front-yard setback.**

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27 Sean Landis gave a brief report. He stated the applicants request was for a reduction of 10 feet of
28 the 25 foot front-yard setback for lots 7-16 of the Parker's Lake Subdivision. He stated that
29 along this area the buildable area averages to about 50 to 55 feet. Mr. Landis stated that the
30 builder is trying not to fill any of the lake.
31

32 Lucille Hyzer, after being sworn in, stated that she was worried about them dredging the lake for
33 jet skiing, filling in the lake to build the homes, and the traffic this would cause on East Meyer
34 Road.
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36 Mary Gale, after being sworn in, stated that she thought Mr. Leppard knew what he was buying
37 when he bought the property. She stated that should have to work with what he has. She stated
38 that she was worried about the traffic problems this would cause on East Meyer.
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40 Phil Starr, after being sworn in, stated that East Meyer was very narrow and he was worried about
41 the traffic problems this subdivision would cause. He stated that the lots were to narrow. He is
42 against the variance request.
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44 Susan Scruggs, after being sworn in, stated that if they gave him the variance East Meyer could
45 never be widened and if they did not give him the variance was he going to fill the lake. She
46 stated that he knew what he was buying, he knew the building requirements, and now he wants
47 the City to change things to accommodate that.
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49 Terry Aker, after being sworn in, stated that he had concerns about the pipe connecting the
50 Parker's Lake to Lake Mija. He was concerned about the pipe being damaged. He stated that he

51 was also concerned that if the variance was granted, East Meyer would never be widened and if it
52 wasn't granted, the lake would be filled on these lots.

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54 Juanita Martinez, after being sworn in, stated this subdivision would add to the traffic problems
55 on East Meyer.

56
57 Tim Leppard, after being sworn in, stated that the original survey that they got from the seller
58 showed a distinct water line. They could not get an accurate water line until they cleared out 10
59 to 20 feet of solid brush. He stated that what they found was a 6 to 10 foot variance, depending
60 on which lot, between what the original survey showed the waterline being to where it actually is
61 at. He stated that is why they are asking for the variance. He stated that if they do any bulk-
62 heading, it would be a minor amount on a per lot basis.

63
64 Robert Duncan asked if the variance was not granted, would he have the approval to backfill into
65 the lake.

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67 Mr. Leppard stated yes.

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69 Mr. Duncan asked if he would need additional permission or permits to backfill.

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71 Mr. Landis stated that there would be an approval process, but it was private property and a
72 private lake and Mr. Leppard has the authority to backfill the lake.

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74 Mr. Leppard stated that regarding the engineering on the ditches, they maintain the right-of-way
75 on both of them and nothing would be built on them.

76
77 Chairman Langgard asked how many feet would there be between the front of the house and the
78 road, if the variance is granted.

79
80 Mr. Leppard stated roughly 25 to 30 feet to the road.

81
82 Chairman Langgard asked if the land was already platted when he bought it.

83
84 Mr. Leppard stated that it was platted at the time he bought it.

85
86 Chairman Langgard closed the Specific Public Hearing portion of the meeting at 7:27.

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88 **3.0 NEW BUSINESS**

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90 **3.1 Discussion, consideration and possible action concerning the Request for a variance of 15**
91 **feet to the 25 foot front-yard setback in the R-1 (Residential – Single-family detached)**
92 **zoning district (§ 3.03.04 A).**

93
94 Gale Poston asked if any of the other homes or lots on Meyer Road been granted 15 foot
95 setbacks.

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97 Mr. Landis stated no.

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99 Richard Nguyen asked if the City had any intentions of widening Meyer Road.
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M. Landis stated not at this time.

Chairman Langgard stated that they would vote on the questions.

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

Applicant's Answer: Applicant has good and sufficient cause for requesting a variance due to the depth of lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Parker's Lake Subdivision. These lots require a 25 foot building front set back which will limit the footprint of the proposed houses to a smaller size which, if the variance is not granted, constructing a smaller house will render the property difficult to build on. Applicant's goal is to have reasonable size homes to encourage families to move to the area. In order to build a house on each of these lots it would be necessary to have a 15 feet front set back otherwise it would be difficult to build any residence on each of these lots. Due to the fact that there is a lake at the rear of each of the above lots, there is no alternate measure to be taken.

We find accordingly.

Ayes: Langgard

Nays: Dolan, Duncan, Nguyen, and Poston

Abstained:

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

Applicant's Answer: By granting the requested variance of 10 feet for this property the applicant will not be deprived of rights otherwise enjoyed by other property owners in the same district.

We find accordingly.

Ayes:

Nays: Dolan, Duncan, Langgard, Nguyen, and Poston

Abstained:

C. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant's Answer: Applicant is not responsible for the size and dimensions of lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 and considering the required front set back and the lake in the rear of each lot, it will be necessary to reduce the 25 front set back to a 15 front set back in order to make it feasible to build on each lot.

We find accordingly.

Ayes: Langgard and Poston

Nays: Dolan, Duncan, and Nguyen

Abstained:

150 **D. That granting the variance requested will not confer on the applicant any special**
151 **privilege that is denied by this ordinance to other lands, structures, or buildings in the same**
152 **district.**

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154 **Applicant's Answer:** Granting the requested 10 feet variance would not result in any special
155 privilege that would interfere with the remaining lots in Parker's Lake Subdivision or to other
156 lands, structures or buildings in the same district. Applicant submits that a variance of 10 feet
157 will have not potential adverse effect on public health, safety or the environment, or conflict with
158 existing local laws or ordinances.

159 *We find accordingly.*

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161 Ayes: Langgard

162 Nays: Dolan, Duncan, Nguyen, and Poston

163 Abstained:

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165 **E. That a literal enforcement of the provisions of this ordinance would result in**
166 **unnecessary hardship.**

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168 **Applicant's Answer:** Applicant owns lots 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Parker's Lake
169 Subdivision and desires to build a residence on each lot that would make the property attractive to
170 families desiring to move to Seabrook. Strict compliance with provision 3.03.04 A. of this
171 ordinance would impose an undue burden on the applicant.

172 *We find accordingly, for the reasons expressed herein:*

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174 Ayes:

175 Nays: Dolan, Duncan, Langgard, Nguyen, and Poston

176 Abstained:

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178 **VARIANCE DENIED**

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180 **4.0 APPROVAL OF MINUTES**

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182 **4.1 Consideration and possible action concerning the revised minutes from the September 12,**
183 **2012 meeting.**

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185 **Motion was made by John Dolan and seconded by Richard Nguyen**

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187 *To approve the revised minutes from the September 12, 2012 meeting as written.*

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189 **MOTION CARRIES BY UNANIMOUS CONSENT.**

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191 **4.2 Consideration and possible action concerning the minutes from the December 12, 2012**
192 **meeting.**

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194 **Motion was made by John Dolan and seconded by Richard Nguyen**

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196 *To approve the minutes from the December 12, 2012 meeting as written.*

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198 Ayes: Dolan, Duncan, Langgard, Muniz, and Nguyen

199 Nays: None

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Abstained: Poston

MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.

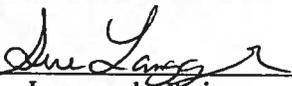
Motion was made by John Dolan and seconded by Gail Poston

To adjourn the Board of Adjustments meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:38 p.m.

APPROVED THIS 8th DAY OF MAY, 2013.



Sue Langgard, Chairman



Alesia Hammock, Secretary